

JUL 24 1993

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

♦ ♦ ♦

In the Matter of the Application of

JOSE JUAN GARCIA,

Respondent.

No. H- 25430 LA

STIPULATION AND WAIVER

I, JOSE JUAN GARCIA, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on May 21, 1993, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted
8 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
9 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
10 license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations and restrictions will attach to a restricted
12 license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised including the right
14 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
15 exercise any privileges granted under this restricted license in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that respondent has violated provisions of the California Real Estate
19 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
20 attaching to this restricted license.
- 21 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
22 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
23 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker,
25 respondent shall submit a statement signed by the prospective employing broker on a form
26 approved by the Department of Real Estate wherein the employing broker shall certify as follows:
 - 27 a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted

1 license; and

- 2 b. That broker will carefully review all transaction documents prepared by the restricted licensee
3 and otherwise exercise close supervision over the licensee's performance of acts for which
4 a license is required.

5 DATED this 24 day of May, 19 93.

6 Vose J. Garcia?
7 Respondent

8
9 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
10 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
11 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
12 restricted real estate salesperson license to respondent.

13 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
14 respondent JOSE JUAN GARCIA if respondent has otherwise fulfilled
15 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted
16 as specified in the foregoing Stipulation and Waiver.

17 This Order is effective immediately.

18 DATED this 21ST day of June, 19 93.

19
20 CLARK WALLACE
Real Estate Commissioner

21 Clark Wallace
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27

SACD.
Flag

1 MARJORIE P. MERSEL, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
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8 (213) 897-3937

MAY 21 1993

DEPARTMENT OF REAL ESTATE
BY *Alma J. [Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Application of) No. H-25430 LA
12 JOSE JUAN GARCIA,) STATEMENT OF ISSUES
13 Respondent.)
14

15 The Complainant, Steven J. Ellis, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against JOSE JUAN GARCIA (herein "Respondent") alleges as follows:

18 I

19 The Complainant, Steven J. Ellis, a Deputy Real Estate
20 Commissioner of the State of California, makes this Statement of
21 Issues in his official capacity.

22 II

23 The Real Estate Commissioner, in conformity with Section
24 10152, Division 4 of the Business and Professions Code of the State
25 of California, requires further proof of the honesty and
26 truthfulness of Respondent in connection with Respondent's
27 application for a real estate salesperson license filed on

1 October 8, 1992, and in relation thereto will consider the
2 following:

3 III

4 On or about November 4, 1991, in the Municipal Court of
5 Whittier Judicial District, County of Los Angeles, State of
6 California, Respondent was convicted of the crime of violating Penal
7 Code Section 484 A (Petty Theft), a crime involving moral
8 turpitude.

9 IV


10 The conduct which led to the conviction, above, bears a
11 substantial relationship to the qualifications, functions or duties
12 of a real estate licensee.

13 V

14 The crime and/or conduct of which Respondent was
15 convicted, as alleged above, constitutes cause for denial of
16 Respondent's application for a real estate license under Sections
17 480 and 10177(b) of the California Business and Professions Code.

18 These proceedings are brought under the provisions of
19 Section 10100, Division 4 of the Business and Professions Code of
20 the State of California and Sections 11500 through 11528 of the
21 Government Code.

22 Dated at Los Angeles, California
23 this 21st day of May, 1993.

24 
25 STEVEN J. ELLIS
Deputy Real Estate Commissioner

26 cc: Jose Juan Garcia
27 Century 21 La Palma Inc.
Sacto.
VJ